

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. CR-13-2042-EFS

Plaintiff,

PRELIMINARY ORDER OF FORFEITURE

1

JESSE ROBLEDO,

Defendant.

Sentencing occurred in the above-captioned matter on August 7,

2013. Defendant Jesse Robledo was present, represented by Alison Guernsey; Assistant U.S. Attorney Thomas Hanlon appeared on behalf of the U.S. Attorney's Office (USAO). At the hearing, the Court granted the USAO's oral motion for forfeiture of assets, which was made consistent with the parties' plea agreement, ECF No. 32. This Order memorializes and supplements the Court's oral ruling.

IT IS HEREBY ORDERED:

1. As the result of the guilty plea to Count 1 of the Indictment for which the USAO sought forfeiture pursuant to 18 U.S.C. § 924 and 28 U.S.C. § 2461(c), Defendant shall forfeit to the United States any firearms and ammunition involved in the commission of the offense, Felon in Possession of a Firearm and Ammunition.

1 2. Based on the Defendant's plea agreement, the following
2 assets are subject to forfeiture pursuant to 18 U.S.C. §
3 924(d) and 28 U.S.C. § 2461(c), and the Government has
4 established the requisite nexus between such assets
5 described below, and such offenses:

6 a. One Springfield Armory .40 caliber pistol, Model XD40,
7 serial number US253288; and

8 b. Thirty-nine rounds of .40 caliber ammunition with
9 headstamp "G.F.L."

10 3. Upon the entry of this Order, the United States Attorney
11 General (or a designee) is authorized to seize the above-
12 listed assets subject to forfeiture, whether held by the
13 defendant or by a third party, and to conduct any discovery
14 proper in identifying, locating or disposing of the
15 property subject to forfeiture, in accordance with 21
16 U.S.C. § 853, as incorporated by 18 U.S.C. § 924(d) and 28
17 U.S.C. § 2461(c), and Federal Rule of Criminal Procedure
18 32.2(b)(3).

19 4. Upon entry of this Order, the United States is authorized
20 to commence any applicable proceeding to comply with
21 statutes governing third party rights, including giving
22 notice of this Order.

23 5. Pursuant to 21 U.S.C. § 853(n), as incorporated by 18
24 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), the United States
25 will post notice of this Order on the official government
26 internet site (www.forfeiture.gov) for at least 30

1 consecutive days. The United States may also, to the
2 extent practicable, provide direct written notice to any
3 person known to have alleged an interest in the property
4 that is the subject of the Preliminary Order of Forfeiture,
5 as a substitute for posted internet notice as to those
6 persons so notified.

7 6. Any person, other than the above-named Defendant, asserting
8 a legal interest in the above-listed property may, within
9 thirty (30) days of the final posting of notice, or receipt
10 of notice, whichever is earlier, petition the court for a
11 hearing without a jury to adjudicate the validity of his
12 alleged interest in the above-listed property, and for an
13 amendment of the order of forfeiture, pursuant to Federal
14 Rule of Criminal Procedure 32.2(6) and 21 U.S.C. § 853(n),
15 as incorporated by 18 U.S.C. § 924(d) and 28 U.S.C. §
16 2461(c).

17 7. Any petition filed by a third party asserting an interest
18 in the above-listed property shall be signed by the
19 petitioner under penalty of perjury and shall set forth the
20 nature and extent of the petitioner's right, title, or
21 interest in said property, the time and circumstances of
22 the petitioner's acquisition of the right, title or
23 interest in said property, and any additional facts
24 supporting the petitioner's claim and the relief sought.

25 8. After the disposition of any motion filed under Federal
26 Rule of Criminal Procedure 32.2(c) and before a hearing on

1 the petition, discovery may be conducted in accordance with
2 the Federal Rules of Civil Procedure upon a showing that
3 such discovery is necessary or desirable to resolve factual
4 issues.

5 9. The United States shall have clear title to the above-
6 listed property following the Court's disposition of all
7 third-party interests, or, if none, following the
8 expiration of the period provided 21 U.S.C. § 853(n)(2), as
9 incorporated by 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c),
10 for the filing of third party petitions.

11 10. Pursuant to Federal Rule of Criminal Procedure
12 32.2(b)(4)(A) and (B), this Preliminary Order of Forfeiture
13 is final as to the Defendant at the time of sentencing, and
14 is made part of the sentence and included in the judgment.

15 11. The Court shall retain jurisdiction to enforce this Order,
16 and to amend it as necessary, pursuant to Fed. R. Crim. P.
17 32.2(e).

18 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this
19 Order and provide copies to all counsel and the U.S. Probation Office.

20 **DATED** this 8th day of August 2013.

21

s/Edward F. Shea
22 EDWARD F. SHEA
23 Senior United States District Judge
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